

Minutes\*

**Faculty Consultative Committee**  
**Thursday, June 1, 2006**  
**1:15 – 3:00**  
**238A Morrill Hall**

- Present: Jean Bauer (chair), Gary Balas, Nancy Carpenter, Carol Chomsky, Barbara Elliott, Dan Feeney, Megan Gunnar, Morris Kleiner, Scott Lanyon, Judith Martin, Richard McCormick, Terry Roe, Steven Ruggles, Martin Sampson, John Sullivan, Jennifer Windsor
- Absent: None counted for a summer meeting
- Guests: Professor Perry Leo (Chair, Faculty Academic Oversight Committee on Intercollegiate Athletics); Provost E. Thomas Sullivan; Associate Vice President Richard Bianco (Regulatory Affairs)
- Other: Lynn Holleran (Office of the Chief of Staff); Sharon Reich Paulsen (Office of the Provost); Jon Steadland (Office of the Board of Regents)

[In these minutes: (1) report of the chair; (2) change in academic progress/waiver rule in athletics; (3) terms of the faculty athletics representatives; (4) Duluth medical school representation on this committee; (5) discussion with Provost Sullivan; (6) policy on outside consulting and other commitments; (7) governance inquiries; (8) Morris constitution]

**1. Report of the Chair**

Professor Bauer convened the meeting at 1:15 and reported briefly on a few items.

- She distributed copies of a list of issues from the Faculty Culture task force that the Provost would focus on when he joined the meeting.
- Three members of the Committee participated in the Regents' budget forum (Professors Morrison, Kleiner, and her).
- She expressed thanks to Committee members who were able to participate in the interviews of the candidates for Chancellor of the Morris campus; she reported that the administration consulted with her about the appointment after the interviews were completed.

**2. Change in Academic Progress/Waiver Policy**

Professor Bauer now welcomed Professor Perry Leo, Chair of the Faculty Academic Oversight Committee on Intercollegiate Athletics (FAOCIA) to discuss a proposed change in the Policy on Eligibility and Continuation that applies to student-athletes.

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\* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

Professor Leo explained that the University has a higher GPA requirement for continuing eligibility for freshmen and sophomore students than does the Big Ten and the NCAA. As a result, there is a gap such that a student-athlete could be eligible under Big Ten and NCAA rules but not under the University's rules. There has been a waiver policy in place; FAOCIA is proposing a revision to the policy.

The NCAA has instituted a new Academic Progress Review which creates a point system that depends on student status. Each student can get a maximum of two points, one for returning and one for staying eligible. If the team total falls below a certain level, it can lose scholarships. Coaches are worried: What if a student who leaves the University is ineligible under University rules but eligible under Big Ten and NCAA rules? That student would receive zero points rather than the one point they would get under Big Ten and NCAA rules. The proposed policy revision would allow FAOCIA to grant a waiver, under stipulated conditions, in these circumstances so that the student could receive the one point for eligibility. This change would keep the University's policy up to date with NCAA rules and help teams remain competitive while at the same time retaining the University's standards. The policy would cover all athletes, not just those who turn pro, and would provide a motivation for those students who do turn professional to stay involved with school—because their departure would affect their team. The policy also gives the coach leverage over athletes to stay in class and gives the athletics director leverage over the coaches. The policy continues the practice of direct faculty oversight and involvement with athletics; it is the all-faculty FAOCIA that makes the decision about whether to grant a waiver.

Several points were covered in the discussion.

- Under the existing policy, there have been about three requests per year for a waiver; Professor Leo guessed that there might be double that number with the revised policy.
- FAOCIA has not had any pressure to grant waivers; Athletics Director Maturi has declined to bring to the Committee some requests, so there is internal screening before requests reach them, Professor Leo said. In some cases, FAOCIA has said "no" to a request; in other cases, it has approved them. Nor has FAOCIA received any pressure to change the University's standard so it is identical to the Big Ten and NCAA.
- Do teams recruit student-athletes who can meet the University's continuing eligibility requirements? Professor Leo said that FAOCIA is not involved in recruiting, but they do learn about at-risk students once they have been admitted (there are some, and always have been).
- There is no risk that a student-athlete will receive a waiver and be pushed through the system; FAOCIA will only grant a waiver to a student once. It is not their intent to keep student-athletes eligible.
- The waivers are only granted on the basis of academic performance, not because an athlete happens to be a "star" on a team, Professor Leo said.
- He has consulted with the athletic department, the Advisory Committee on Athletics, and the Senate Committee on Educational Policy; all are comfortable with the proposed revision, Professor Leo reported.

With the understanding that Professor Leo would look into making a couple of wording changes in the policy, the Committee exercised its authority to act on behalf of the Faculty Senate between Senate meetings and voted unanimously to approve the policy change. The action will be brought to the Faculty Senate at its first meeting in the fall to be confirmed.

Professor Martin thanked Professor Leo for doing a great job chairing FAOCIA, noting that there were a lot of difficulties with athletics before FAOCIA was established and started doing its job. Professor Bauer thanked him for joining the meeting.

### **3. Terms of the Faculty Athletics Representatives**

Professor Bauer next drew the attention of Committee members to a letter from President Bruininks asking that the terms of the two Faculty Athletics Representatives (FAR) be extended: Professor Weinberg for three years, Professor Brady for six years. The extensions are different lengths in order to ensure that the terms in the future are staggered. Existing policy provides that FARs are to be appointed to a three-year term which can be extended once. After that, if the term is to be extended further, the President is to seek the consent of this Committee.

Committee members were provided copies of the report of a review of the performance of the two FARs, which was strongly positive. The only caveat was about the length of the terms. Ms. Holleran reported that the reason to stagger the terms is because there is a steep learning curve for someone coming into the position; staggered terms will help in the transitions to new FARs.

Professor Balas said he believed that six years was long enough for any one person to serve in the position. Professor Martin said that generally she agreed with that view, but said there is great difficulty in finding people to take on these positions because they require an enormous commitment of time. Some others might be interested, Professor Balas objected; Professor Martin responded that the Committee wants to be sure the people who serve as FAR are ones they recruit, not people who WANT the position. In the past the University has had people who WANTED to be FAR and there were problems.

It was noted that the effectiveness and influence a FAR can wield at the Big Ten and the NCAA is in part related to their length of service; if Minnesota's FARs are limited to shorter terms, it carries the risk that the University's views will not be heard in the decision-making councils of the regional and national governing bodies. Ms. Holleran observed that while some schools limit FAR terms, most do not, so the individuals can serve for long periods and gain considerable influence.

Professor Feeney said the most compelling argument is getting the right people; they had to work hard on this in the past and were glad to get the people they did. Professor Martin pointed out that if FCC approves these extensions, it will also be incumbent on the Committee in three years to beat the bushes to find a replacement for Professor Weinberg. She moved the extensions be approved; the Committee voted 9-1 in favor of the motion.

### **4. Duluth Medical School Representative on this Committee**

Professor Bauer recalled that there had been discussion earlier about whether there should continue to be ex officio representation from the Duluth Medical School on this Committee, inasmuch as

the Medical School was now one administrative unit. It is only the Medical School that can be represented, she noted, because the remainder of the Duluth faculty belong to a union, so do not participate in the Senate governance structure. After considerable email discussion in the two weeks preceding this meeting, Professor Bauer said, it is her recommendation that Professor Elliott continue to serve as the ex officio representative for the remaining two years of her term and that if a question arises at that point, the Committee can sort it out then.

Professor Elliott noted that there is also a Pharmacy program at Duluth, faculty members in which also do not belong to the union.

Professor Feeney pointed out that election to the Senate is by academic units, not subunits, and that they had discussed asking the Medical School to identify a representative from Duluth; the Committee should take steps to ensure that Medical School internal policies are consistent with Senate policies. Professor Chomsky said that it is helpful to have the voice of the ex officio representative from Duluth on this Committee and that the best path is to leave things as they are; unless there is a change in the rules, there will be an election in two years to select another representative from UMD. This is separate from Senate representation.

There was agreement that if a Duluth Medical School faculty member were to be elected to the Committee, the ex officio representative would not serve during the term of the individual elected as a full voting member.

The Committee took no action to change the existing rules on ex officio membership.

## **5. Discussion with Provost Sullivan**

Professor Bauer welcomed Provost Sullivan to the meeting and began by thanking him for his leadership in the strategic positioning effort. She also thanked him for the selection of the new dean of the College of Education and Human Development. Provost Sullivan thanked Professor Bauer for the kind remarks and also announced that interim deans for CEHD and CFANS will be named today (Professor Kathryn VandenBosch will serve as interim dean of CFANS; Professor Terry Collins will serve as interim dean of CEHD.)

Professor Bauer noted that the Faculty Culture task force report would be the focus of discussion; she asked if Committee members had additional items they wished to bring up.

The Committee and the Provost had a discussion about a number of issues, including the open-letter law, post-tenure review, the Faculty Culture task force recommendations, time required for faculty governance, regular faculty and P&A staff numbers, spousal hiring, and the process for awarding tenure.

Professor Bauer thanked Provost Sullivan for joining the meeting.

## **6. Policy on Outside Consulting and Other Commitments**

Professor Bauer turned next to Associate Vice President Bianco to review the proposed revision to the Regents' policy on Outside Consulting and Other Commitments.

Mr. Bianco thanked the Committee for squeezing him onto the agenda and apologized that he was unable to get the policy changes completed in time for the last Faculty Senate meeting. He has, however, done a great deal of consulting on the policy (including the Senate Research Committee and the Senate Committee on Faculty Affairs). The revised policy pulls together three existing policies; implementation will be based on accompanying administrative policies. There is no change in the consulting policy, Mr. Bianco said; the University recognizes the benefit to it and the faculty of consulting.

The new policy does add conflict of commitment and it also defines a day as 10 hours. It is cleaner in terms of what people can and cannot do; the policy also allows for one's report on consulting to be in place for up to three years (the ROC). For the purposes of this policy he reports to the Provost, Mr. Bianco said, and the Provost can grant exemptions from the policy. There is also an appeals process.

Professor Balas expressed concern about the situation of an internal consulting service a dean might create and shop around to industry. That could become a more widespread practice, he said, and it could mean that individual faculty would not be allowed to consult because doing so would be a conflict of commitment—it would be competing with the unit consulting service. The dean can sign off on the consulting or the faculty member can appeal, Mr. Bianco said.

Professor Sullivan noted that in the past he has sometimes taught a course at Carleton that is the same as the course he teaches at the University, and it is during the regular academic year. Does that violate the conflict of commitment provision in the new policy? Mr. Bianco noted that this circumstance is covered by the policy but that he can obtain permission from his dean if it is justified.

Professor Kleiner questioned whether someone who chose to participate with an external team seeking grant funding, rather than an internal University group seeking similar grant funding, would violate the policy. (For example, a University statistician who chose to analyze heart data for an external group versus data on livers for an internal one.) Mr. Bianco said that would not be covered by this policy, although some Committee members believed that the policy would bar such activity because it would compete with a University activity. Professor Elliott said that those who do a lot of research work on teams not based at the University of Minnesota but they have colleagues at the University competing for the same funds. Professor Gunnar agreed and urged that the policy not restrict competition for grant funds to work with people at the University of Minnesota. What does compete mean, Professor Chomsky asked? If she does outside work, is she competing with the Law School clinics? Mr. Bianco said individuals should put their activities in the ROC and the unit can agree or not.

The core of the policy, Professor Martin said, comes out of discussions several years ago: One's job is at the University of Minnesota and there's where one's loyalty should rest as well.

Professor Chomsky said she could understand competing coursework, but it would help if there were an explanation of what "compete with . . . services offered by the employee's unit" is intended to cover. Different examples would be helpful. Mr. Bianco did not disagree but observed that with 7000 faculty and staff there are 7000 cases. That is why the flexibility is built into the policy.

Professor Balas asked what, in the three administrative policies, is changed. Mr. Bianco said there are no procedural changes; the major change is competition and commitment. Professor Lanyon asked why the policy covers unpaid activities—it is with paid activities that abuses can occur. This applies to everyone, Mr. Bianco said—faculty, P&A, civil service. Are you an usher at your church on

Sunday? That's not a problem. Are you an unpaid coach of a soccer team that meets every noon? That could be a problem.

If one has a nine-month appointment, what one does with the other three months is one's own business, Professor Martin declared. Mr. Bianco agreed.

One can say he or she is a University professor but not use the University's logos, etc., Professor Balas commented. Mr. Bianco concurred; that is not a change, he said.

It was moved and voted unanimously to approve the policy on behalf of the Faculty Senate.

Professor Bauer thanked Mr. Bianco for bringing the policy to the Committee.

### **7. Governance Inquiries**

The Committee agreed by consensus that Dr. Engstrand should proceed to make inquiries about the effectiveness of governance committees, following up work began earlier when he was on leave.

### **8. Constitution**

Professor Carpenter reported that the Morris campus constitution is being rewritten and will include substantial changes in faculty governance. Should the changes come to this Committee or is it up to Morris to decide what to do?

Professor Bauer adjourned the meeting at 3:40.

-- Gary Engstrand

University of Minnesota